

REMARKS

Claims 1-32 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-18, drawn to a negative electrode, classified in class 204, subclass 290.01 or 292;

Group II, claims 19-32, drawn to non-aqueous secondary batteries, classified in class 429, subclass 218.1.

For the purpose of examination of the present application, Applicants elect, without traverse, Group II, Claims 19-32.

The Examiner has further required an election in the present application between:

Species 1: the negative electrode comprising an intermetallic compound per se (as recited in claim 1 or 19);

Species 2: the negative electrode comprising an intermetallic compound and a protective layer (as recited in claims 2-15 or 20-32);

Species 3: the negative electrode comprising an active layer composed of a single phase of an intermetallic compound and an additional thin film comprising a specified element (as recited in claim 16); and

Species 4: the negative electrode comprising an active layer composed of a single phase of an intermetallic compound and an additional thin film comprising a specified element and a protective layer (as recited in claim 17).

For the purpose of examination of the present application, Applicants elect, without traverse, Group II, Claims 19-32. Applicants also elect Species 2, claims 20-32.

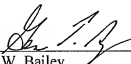
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact Eugene T. Perez (Reg. No. 48,501) at the offices of Birch, Stewart, Kolasch & Birch, LLP.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: April 10, 2007

Respectfully submitted,

By  #48,501
John W. Bailey
Registration No.: 32,881
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant